

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

**ORIGINAL**

ILLINOIS  
COMMERCE COMMISSION

2005 MAY 12 P 12:32

Northern Illinois Gas Company d/b/a NICOR )  
Gas Company )  
 ) 04-0779  
Proposed general increase in natural gas rates. )  
(Tariffs filed on November 4, 2004.) )

**THE COOK COUNTY STATE'S ATTORNEY'S OFFICE AND THE CITIZENS  
UTILITY BOARD RESPONSE TO STAFF AND JOINT PARTIES MOTION TO  
SET A BRIEFING SCHEDULE**

Pursuant to the ALJs' ruling and section 200.190 of the Commission's rules, the Cook County State's Attorney's Office ("CCSAO") and the Citizens Utility Board ("CUB") in response to the Illinois Commerce Commission Staff ("Staff") and other parties motion to set a schedule respectfully request the ALJs deny the motion for the reasons set forth below. 83 Ill. Adm. Code 200.190.

1. On May 3, 2005, Staff along with Northern Illinois Gas Company ("Nicor"), the Illinois Industrial Energy Consumers ("IIEC"), and Constellation New Energy-Gas Division ("CNE Gas") jointly requested that the ALJs set a briefing schedule in this matter now rather than waiting until the end of the evidentiary hearings. Staff Joint Motion at 1.

2. CCSAO/CUB object to the determination of a briefing schedule before evidentiary hearings are held. First, CCSAO/CUB has a pending motion to submit additional direct testimony. The granting of this motion may cause the need for additional hearing dates. Therefore, any schedule established now may need to be

changed. Second, the briefing schedule requires initial briefs due approximately three weeks after the hearings. Given the magnitude and importance of this case, three weeks is an extremely short amount of time for the submission of initial briefs. Moreover, Staff provides no reason for requesting such a short time frame for the initial briefs.

The Commission should also consider the fact that while the Company and Staff will be able to obtain the transcripts immediately after the hearing, the transcripts will not be available to other parties on the Commission web site until two weeks after the close of hearings. Accordingly, under the proposed schedule, CCSAO/CUB would only have a week to review transcripts and incorporate them before the briefs are due.

3. The ALJs ruled at the outset of this process that a briefing schedule would be established after hearings. Staff's request to set a briefing schedule now to avoid a vaguely described concern "to minimize conflicts with filing deadlines in other dockets" is not persuasive. Staff Motion at 2.

4. If the ALJs are inclined to set a briefing schedule now, then CCSAO/CUB submits that initial briefs should be due by 3 p.m. on June 24, 2005. Reply briefs and any proposed draft orders should be due by 3 p.m. on July 8, 2005. This schedule is reasonable and mindful of the ALJs prior rulings.

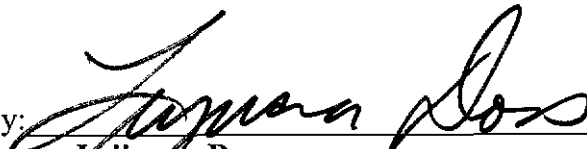
WHEREFORE, CCCSAO/CUB respectfully requests the ALJs deny adopting Staff's briefing schedule now and wait until the conclusion of the evidentiary hearings in this proceeding. Alternatively, CCASO/CUB requests that the ALJs adopt the briefing schedule as outlined above.

Respectfully submitted,

**RICHARD A. DEVINE**  
State's Attorney of Cook County

Dated: May 11, 2005

By:

  
**Leijuana Doss**  
Assistant State's Attorney  
Environment & Energy Division

**Mark N. Pera**  
Assistant State's Attorney  
Supervisor, Environment & Energy Division

**Marie D. Spicuzza**  
Assistant State's Attorney  
Deputy Supervisor, Environment & Energy Division

**Leijuana Doss**  
Assistant State's Attorney  
Environment & Energy Division

Cook County State's Attorney's Office  
69 W. Washington, Suite 3130  
Chicago, IL 60602  
Telephone: (312) 603-8600  
Fax: (312) 603-9835  
E-mail: [Mpera@cookcountygov.com](mailto:Mpera@cookcountygov.com)  
E-mail: [Mspicuz@cookcountygov.com](mailto:Mspicuz@cookcountygov.com)  
E-mail: [Ldoss@cookcountygov.com](mailto:Ldoss@cookcountygov.com)

Respectfully submitted,

By:   
Robert Kelter

Director of Litigation  
Citizens Utility Board  
208 S. LaSalle, Suite 1760  
Chicago, Illinois 60604  
[robertkelter@citizensutilityboard.org](mailto:robertkelter@citizensutilityboard.org)

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	)	
on its own motion	)	
	)	Docket No. 04-0779
Northern Illinois Gas Company d/b/a NICOR	)	
Gas Company	)	
	)	
Reconciliation of Revenues collected under	)	
Gas Adjustment Charges with Actual Costs	)	
prudently incurred	)	
	)	
	)	
Illinois Commerce Commission	)	
on its own motion	)	
	)	
Northern Illinois Gas Company d/b/a NICOR	)	
Gas Company	)	
	)	
Proceeding to review Rider 4, Gas Cost, pursuant	)	
to Section 9-244(c) of the Public Utilities Act	)	
	)	
	)	
Illinois Commerce Commission	)	
on its own motion	)	
	)	
Northern Illinois Gas Company d/b/a NICOR	)	
Gas Company	)	
	)	
Reconciliation of Revenues collected under	)	
Gas Adjustment Charges with Actual Costs	)	
prudently incurred	)	

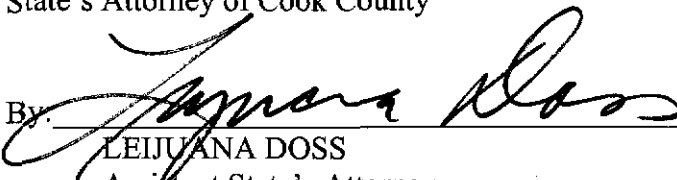
**NOTICE OF FILING**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on this date May 11, 2005 we filed by sending through Federal Express today to the Chief Clerk of the Illinois Commerce Commission the enclosed

Copies of the Cook County State's Attorney's Office and the Citizens Utility Board's Response to Staff and Joint Parties Motion to Set A Briefing Schedule. This filing has been forwarded to the parties on the attached service list.

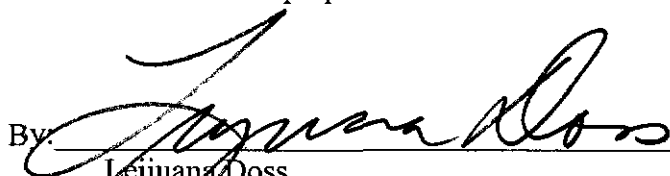
**RICHARD A. DEVINE**  
State's Attorney of Cook County

By:   
LEIJUANA DOSS

Assistant State's Attorney  
Environment & Energy Division  
Cook County State's Attorney's Office  
69 W. Washington St., Suite 3130  
Chicago, IL 60602  
Telephone: (312) 603-8600  
Fax: (312) 345-2217  
E-mail: [ldoss@cookcountygov.com](mailto:ldoss@cookcountygov.com)

**CERTIFICATE OF SERVICE**

I, **LEIJUANA DOSS**, hereby certify that copies of the Cook County State's Attorney's Office and the Citizens Utility Board's Response to Staff and Joint Parties Motion to Set A Briefing Schedule were served on all parties on the attached list on the 11<sup>th</sup> day of May 2005 by Federal Express, or electronic mail, or U.S. first class mail prepaid.

By:   
Leijuana Doss  
Assistant State's Attorney

## SERVICE LIST

### ICC DOCKET NO. 04-0779

Enver Acevedo  
Manager, Regulatory Affairs & Compliance  
Direct Energy Services, LLC  
263 Tresser Blvd., 8<sup>th</sup> Fl.  
Stamford, CT 06901  
[Enver.acevedo@na.centrica.com](mailto:Enver.acevedo@na.centrica.com)

Neil Anderson  
Vanguard Energy Services LLC  
850 E. Diehl Rd., Ste. 142  
Naperville, IL 60563  
[nanderson@vanguardenergy.net](mailto:nanderson@vanguardenergy.net)

Thomas Aridas  
Chief Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601  
[taridas@icc.state.il.us](mailto:taridas@icc.state.il.us)

Ronit C. Barrett  
Atty. For Vanguard Energy Services, LLC  
Eimer Stahl Klevorn & Solberg LLP  
224 S. Michigan Avenue, Suite 1100  
Chicago, IL 60604  
[rbarrett@eimerstahl.com](mailto:rbarrett@eimerstahl.com)

Jennifer Bontrager  
Paralegal  
Citizens Utility Board  
208 S. LaSalle, Suite 1760  
Chicago, IL 60604  
[jbonttrager@citizensutilityboard.org](mailto:jbonttrager@citizensutilityboard.org)

David A. Borden  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[dborden@icc.state.il.us](mailto:dborden@icc.state.il.us)

William A. Borders  
Atty. For Retail Gas Suppliers  
DLA Piper Rudnick Gray Cary US LLP  
203 N. LaSalle St., Suite 1500  
Chicago, IL 60601-1293  
[William.borders@dlapiper.com](mailto:William.borders@dlapiper.com)

Ian Brodsky  
Administrative Law Judge  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601  
[ibrodsky@icc.state.il.us](mailto:ibrodsky@icc.state.il.us)

Nancy Brucher  
Nicor Gas Company  
1844 Ferry Road  
Naperville, IL 60563  
[nbruche@nicor.com](mailto:nbruche@nicor.com)

Faith E. Bugel  
Environmental Law and Policy Center  
35 E. Wacker Drive, Suite 1300  
Chicago, IL 60601  
[fbugel@elpc.org](mailto:fbugel@elpc.org)

Janice A. Dale  
Assistant Attorney General  
Public Utilities Bureau  
100 W. Randolph Street, 11<sup>th</sup> Fl.  
Chicago, IL 60601  
[jdale@atg.state.il.us](mailto:jdale@atg.state.il.us)

Leijuana Doss  
Assistant State's Attorney  
Cook County State's Attorney's Office  
Environment and Energy Division  
69 W. Washington Street, Suite 3130  
Chicago, IL 60602  
[ldoss@cookcountygov.com](mailto:ldoss@cookcountygov.com)

## SERVICE LIST

### ICC DOCKET NO. 04-0779

Theresa Ebrey  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[tebrey@icc.state.il.us](mailto:tebrey@icc.state.il.us)

Darcy A. Fabrizio  
Constellation NewEnergy-Gas Division, LLC  
N16 W23217 Stone Ridge Dr.  
PO Box 2226  
Waukesha, WI 53187-2226  
[darcy.fabrizius@constellation.com](mailto:darcy.fabrizius@constellation.com)

Richard Favoriti  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle Street, Suite C-800  
Chicago, IL 60601-3104  
[rfavorit@icc.state.il.us](mailto:rfavorit@icc.state.il.us)

John Feeley  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601  
[jfeeley@icc.state.il.us](mailto:jfeeley@icc.state.il.us)

David I. Fein  
Senior Counsel  
Constellation Energy Group, Inc.  
550 W. Washington Blvd., Ste 300  
Chicago, IL 60661  
[david.fein@constellation.com](mailto:david.fein@constellation.com)

Cynthia A. Fonner  
Atty. for Respondent  
Foley & Lardner LLP  
321 N. Clark Street, Suite 2800  
Chicago, IL 60610  
[cfonner@foleylaw.com](mailto:cfonner@foleylaw.com)

Carmen Fosco  
Office of General Counsel  
Illinois Commerce Commission  
160 N. LaSalle St., Ste. C-800  
Chicago, IL 60601-3104  
[cfosco@icc.state.il.us](mailto:cfosco@icc.state.il.us)

Rishi Garg  
Illinois Attorney General's Office  
Public Utilities Bureau  
100 W. Randolph Street, 11<sup>th</sup> Fl.  
Chicago, IL 60601  
[rgarg@atg.state.il.us](mailto:rgarg@atg.state.il.us)

Paul Gracey  
Nicor Gas Company  
1844 W. Ferry Road  
Naperville, IL 60563  
[pgracey@nicor.com](mailto:pgracey@nicor.com)

Tom Griffin  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[tgriffin@icc.state.il.us](mailto:tgriffin@icc.state.il.us)

Cheri Harden  
Case Manager  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
[charden@icc.state.il.us](mailto:charden@icc.state.il.us)

Albert E. Harms  
Manager Rate Research  
Northern Illinois Gas Company  
d/b/a Nicor Gas Company  
1844 W. Ferry Rd.  
PO Box 190  
Aurora, IL 60507-0190  
[aharms@nicor.com](mailto:aharms@nicor.com)



## SERVICE LIST

ICC DOCKET NO. 04-0779

Ivan Henderson  
WPS Energy Services, Inc.  
600 Superior Ave E., Suite 1300  
Cleveland, OH 44114  
[ihender@wpsenergy.com](mailto:ihender@wpsenergy.com)

Gary A. Jeffries  
Senior Counsel  
Dominion Retail, Inc.  
1201 Pitt St.  
Pittsburgh, PA 15221  
[gjeffries@dom.com](mailto:gjeffries@dom.com)

Mark G. Kaminski  
Assistant Attorney General  
Public Utilities Bureau  
100 W. Randolph St., 11<sup>th</sup> Fl.  
Chicago, IL 60601  
[mkaminski@atg.state.il.us](mailto:mkaminski@atg.state.il.us)

Robert J. Kelter  
Director of Litigation  
Citizens Utility Board  
208 S. LaSalle, Suite 1760  
Chicago, IL 60604  
[robertkelter@citizensutilityboard.org](mailto:robertkelter@citizensutilityboard.org)

Mary Klyasheff  
Atty. for Peoples Energy Services Corporation  
McGuire Woods LLP  
77 W. Wacker Dr., Ste. 4400  
Chicago, IL 60601  
[mklyasheff@mcguirewoods.com](mailto:mklyasheff@mcguirewoods.com)

Carrie La Seur  
Environmental Law & Policy Center  
35 E. Wacker Drive, Suite 1300  
Chicago, IL 60601  
[claseur@elpc.org](mailto:claseur@elpc.org)

Howard A. Learner  
Environmental Law and Policy Center  
33 E. Wacker Drive, Suite 1300  
Chicago, IL 60601-2110  
[hlearner@elpc.org](mailto:hlearner@elpc.org)

Mike Luth  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[mluth@icc.state.il.us](mailto:mluth@icc.state.il.us)

Neil J. Maloney  
Nicor Gas Company  
1844 Ferry Road  
Naperville, IL 60563  
[nmalone@nicor.com](mailto:nmalone@nicor.com)

Mark Maple  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[mmaple@icc.state.il.us](mailto:mmaple@icc.state.il.us)

John W. McCaffrey  
Atty. for Respondent  
Foley & Lardner LLP  
321 N. Clark Street, Suite 2800  
Chicago, IL 60610  
[jmccaffrey@foley.com](mailto:jmccaffrey@foley.com)

Mark J. McGuire  
Atty. for Peoples Energy  
Services Corporation  
McGuire Woods LLP  
77 W. Wacker Dr., Ste. 4400  
Chicago, IL 60601  
[mmcguire@mcguirewoods.com](mailto:mmcguire@mcguirewoods.com)

## SERVICE LIST

ICC DOCKET NO. 04-0779

Michael McNally  
Case Staff  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701  
[mmcnally@icc.state.il.us](mailto:mmcnally@icc.state.il.us)

Daniel McNamara  
Nicor Gas Company  
1844 W. Ferry Road  
Naperville, IL 60563  
[dmcnama@nicor.com](mailto:dmcnama@nicor.com)

Carla S. Meiners  
Atty.  
MidAmerican Energy Company  
4299 N. W. Urbandale Dr.  
PO Box 657  
Des Moines, IA 50303-0657  
[csmeiners@midamerican.com](mailto:csmeiners@midamerican.com)

Jerome Mierzwa  
Exeter Associates  
565 Sterrett Place, Ste. 310  
Columbia, MD 21044  
[jmierzwa@exeterassociates.com](mailto:jmierzwa@exeterassociates.com)

Stephen J. Moore  
Atty. for Intervenor  
Rowland & Moore LLP  
200 W. Superior Street, Suite 400  
Chicago, IL 60610  
[steve@telecomreg.com](mailto:steve@telecomreg.com)

Robert R. Mudra  
Director  
Rates & Financial Analysis  
Northern Illinois Gas Company  
d/b/a Nicor Gas Co.  
P.O. Box 190  
Aurora, IL 60507-0190  
[bmudra@nicor.com](mailto:bmudra@nicor.com)

Vincent A. Parisi  
General Counsel  
Interstate Gas Supply of Illinois, Inc.  
5020 Bradenton Ave.  
Dublin, OH 43017  
[vparis@igsenergy.com](mailto:vparis@igsenergy.com)

Mark N. Pera  
Assistant State's Attorney  
Cook County State's Attorney's Office  
Environment and Energy Division  
69 W. Washington Street, Suite 3130  
Chicago, IL 60602  
[mpera@cookcountygov.com](mailto:mpera@cookcountygov.com)

Kalyna A. Procyk  
Atty. For Retail Gas Suppliers  
DLA Piper Rudnick Gray Cary US LLP  
203 N. LaSalle St., Suite 1900  
Chicago, IL 60601  
[Kalyna.procyk@dlapiper.com](mailto:Kalyna.procyk@dlapiper.com)

Leslie Pugh  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[lpugh@icc.state.il.us](mailto:lpugh@icc.state.il.us)

John P. Ratnaswamy  
Atty. for Respondent  
Foley & Lardner LLP  
321 N. Clark Street, Suite 2800  
Chicago, IL 60610  
[jratnaswamy@foleylaw.com](mailto:jratnaswamy@foleylaw.com)

John J. Reichart  
Office of General Counsel  
Illinois Commerce Commission  
160 N LaSalle St., Ste. C-800  
Chicago, IL 60601  
[jreichar@icc.state.il.us](mailto:jreichar@icc.state.il.us)

## SERVICE LIST

ICC DOCKET NO. 04-0779

E. Glenn Rippie  
Atty. for Respondent  
Foley & Lardner LLP  
321 N. Clark Street, Suite 2800  
Chicago, IL 60610  
[grippie@foley.com](mailto:grippie@foley.com)

Eric Robertson  
Atty. For Caterpillar, Inc.  
Lueders, Robertson, Konzen  
1939 Delmar Avenue  
P.O. Box 735  
Granite City, IL 62040  
[erobertson@lrklaw.com](mailto:erobertson@lrklaw.com)

Elizabeth Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[erolando@icc.state.il.us](mailto:erolando@icc.state.il.us)

Carla Scarsella  
Office of General Counsel  
Illinois Commerce Commission  
160 N LaSalle St., Ste. C-800  
Chicago, IL 60601  
[cscarsel@icc.state.il.us](mailto:cscarsel@icc.state.il.us)

Marie Spicuzza  
Assistant State's Attorney  
Cook County State's Attorney's Office  
Environment and Energy Division  
69 W. Washington Street, Suite 3130  
Chicago, IL 60602  
[mspicz@cookcountygov.com](mailto:mspicz@cookcountygov.com)

David M. Stahl  
Atty. For Vanguard Energy Services, LLC  
Eimer Stahl Klevorn & Solberg  
224 S. Michigan Ave., Ste. #1100  
Chicago, IL 60604  
[dstahl@eimerstahl.com](mailto:dstahl@eimerstahl.com)

Eric Stephens  
Director  
Regulatory Affairs MidWest  
Direct Energy Services LLC  
5650 Blazer Pkwy., Suite 100  
Dublin, OH 43017  
[Eric.stephens@na.centrica.com](mailto:Eric.stephens@na.centrica.com)

Scott Struck  
Case Staff  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701  
[sstruck@icc.state.il.us](mailto:sstruck@icc.state.il.us)

Chris Thomas  
Sr. Policy Analyst  
Citizens Utility Board  
208 S. LaSalle, Suite 1760  
Chicago, IL 60604  
[cthomas@citizensutilityboard.org](mailto:cthomas@citizensutilityboard.org)

Christopher J. Townsend  
Atty. For Retail Gas Suppliers  
DLA Piper Rudnick Gray Cary US LLP  
203 N. LaSalle St., Suite 1500  
Chicago, IL 60601-1293  
[Christopher.townsend@dlapiper.com](mailto:Christopher.townsend@dlapiper.com)

**SERVICE LIST**

**ICC DOCKET NO. 04-0779**

Debbie Wernet  
U.S. Energy Savings Corporation  
6345 Dixie Rd., Suite 200  
Mississauga, ON L5T 2E6  
Canada  
[dwernet@oesc.ca](mailto:dwernet@oesc.ca)

Jennifer Witt  
Peoples Energy Services Corporation  
130 E. Randolph Dr., 23rd Fl.  
Chicago, IL 60601  
E-Mail: [jwitt@peoplesenergy.net](mailto:jwitt@peoplesenergy.net)

Christopher W. Zibart  
Atty. for Respondent  
Foley & Lardner LLP  
321 N. Clark Street, Suite 2800  
Chicago, IL 60610  
[czibart@foleylaw.com](mailto:czibart@foleylaw.com)